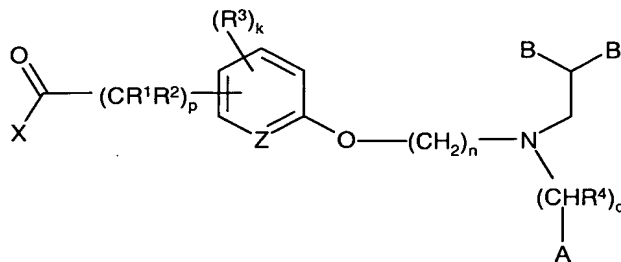


### **REMARKS**

The claims are 1-27, 29-45, and 48-49, with claims 1, 22, 29, 39 and 45 being independent. Claims 28, 46-47 and 50-58 have been cancelled without prejudice or disclaimer. Claims 21, 26 and 41 have been amended to remove parenthetical substituent definitions. Claim 27 has been amended to include the subject matter recited in cancelled claim 28. Claim 29 has been amended to recite the structure of Formula I-A and to specifically claim the method of using the compounds of this invention to increase reverse cholesterol transport. The specification at pages 5, 9, 19 and 22 and claims 1, 19, 29 and 39 have been amended to correct the proviso definition of substituent Y. Substituent Y is defined in the subject specification as being selected from -O-, -S-, -N(R<sup>12</sup>)-, and -C(R<sup>4</sup>)(R<sup>5</sup>)-. However, the proviso was inadvertently written to define Y as -OCR<sup>4</sup>R<sup>5</sup>-, which is not included as possible definition of substituent Y. Applicants have amended the specification and claims to correct the definition of substituent Y in the proviso to read "Y is -O-." Applicants respectfully submit that correction of this obvious error does not constitute new matter, in accordance with MPEP 2163.07 and *In re Oda*. Applicants respectfully submit that one skilled in the art would not only recognize the existence of error in the specification (as originally presented, the definition of Y in the proviso recited a substituent that was not included as a possible definition of Y), but would also recognize the appropriate correction (Y is -O-). Applicants respectfully submit that this correction is supported throughout the specification and original claims, specifically at page 29, lines 11-25 (and in original claim 26 and 44) and at page 27, line 14 to page 29, line 5 (and in original claim 24 and 42).

Claims 1-51 and 58 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by Collins et al. (US 2004/0072868). The Examiner contends that Collins discloses examples that anticipate the subject claimed compounds, compositions and method of treatment when in the instant claims Z is CH or N, Y is O, p is 1, R<sup>10</sup> and R<sup>11</sup> are H, W<sup>1</sup> is aryl, W<sup>2</sup> and W<sup>3</sup> are H, Q is aryl, R<sup>6</sup> and R<sup>7</sup> are H, t is 0, m is 0, n is 2-4, R<sup>8</sup> and R<sup>9</sup> are H and R<sup>3</sup> is alkyl. Applicants respectfully traverse this rejection.

Collins discloses compounds having the following structure:



wherein for the corresponding  $(CR^6R^7)_m$  moiety of the present invention,  $m$  is 1, and for the corresponding  $W^2$  substituent of the present invention,  $W^2$  (B) is  $C_{3-8}$  cycloalkyl or aryl.

Contrary to the Examiner's assertion, Applicants respectfully submit that Collins fails to disclose any compound wherein  $W^2$  and  $W^3$  are H, any compound wherein  $m$  is 0, or any compound wherein  $R^3$  is alkyl.

Withdrawal of this rejection is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the subject application is in condition for allowance. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.

This Amendment is being filed together with a Petition for Extension of Time. In the event that these papers get separated, or there is any deficiency in the Petition, this constitutes a Petition for Extension of Time for the minimum period required to effect timely filing and consideration of this Amendment, together with authorization to charge any fees under 37 C.F.R. §1.16 or §1.17 which may be required by these papers to Deposit Account No. 19-2570.

Respectfully submitted,

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